

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS6

CIVIL MINUTES - GENERAL

Case No. 2:24-cv-03036-RGK-AGR

Date May 3, 2024

Title *Miroslav Kefurt v. Reinier Hoogenraad et al.*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Dismissing the Case

On August 3, 2022, Miroslav Kefurt (“Plaintiff”) brought this derivative action on behalf of nominal defendant Bremach, Inc. (“Bremach”) against Reinier Hoogenraad and Benjamin Montgomery (collectively, “Defendants”) in a Nevada state court. On October 21, 2022, Hoogenraad removed the case to the United States District Court for the District of Nevada.

On April 11, 2024, the court granted Montgomery’s motion to transfer venue to the Central District of California. (ECF No. 44.) On April 26, 2024, after the transfer, this Court ordered Plaintiff to show cause as to why the action should not be dismissed for lack of prosecution as to Bremach, the nominal defendant, because Bremach was never served. (ECF No. 58.)

On May 1, 2024, having received no response, the Court dismissed Bremach from the action. (ECF No. 59.) Later that day, a personal letter from Plaintiff attempting to respond to the order to show cause was docketed with a receipt date of April 29, 2024. (ECF No. 60.) Because Plaintiff is represented by counsel, however, he may not act pro se without a court order. C.D. Cal. L.R. 83-2.3.1. Nor may he send letters to the court. C.D. L.R. 83-2.5 (“All matters must be called to a judge’s attention by appropriate application or motion filed in compliance with these Local Rules.”). Accordingly, the Court hereby **STRIKES** the letter as an improper filing. And even if the Court were to consider the letter, Plaintiff fails to show good cause to warrant a continuance or setting aside the dismissal.

Further, as the nominal defendant in this derivative action, Bremach is also an indispensable party to the case. *See Ross v. Bernhard*, 396 U.S. 531, 538 (1970) (“The claim pressed by the stockholder against directors or third parties is not his own but the corporation’s. The corporation is a necessary party to the action; without it the case cannot proceed.”) (internal citation and quotation marks omitted). Since Bremach has been dismissed from the action, the case cannot proceed.

Accordingly, the Court **DISMISSES** the action in its entirety.

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IT IS SO ORDERED.

	_____ :
Initials of Preparer	_____ JRE/dc